

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Jerome Pratt,)	
)	Civil Action No. 6:04-23205-CMC-WMC
Plaintiff,)	
)	
vs.)	<u>REPORT OF MAGISTRATE JUDGE</u>
)	
Officer Shawn Feldern, City of)	
Bennettsville Police; and Officer)	
Richard Bryant, MCSD,)	
)	
Defendants.)	
_____)	

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. When the U.S. Marshal was unable to serve defendant Feldern, an order was mailed to the plaintiff at his last known address (Marlboro County Detention Center, 253 Throop Street, Bennettsville, SC 29512) on March 3, 2005, giving him an opportunity to provide a better service address for Feldern. On March 10, 2005, the envelope containing the order was returned to the Clerk marked "no longer at this address."

On March 18, 2005, the Clerk received a letter from Robert T. King, attorney for defendant Bryant, stating that his attempt to serve the plaintiff with a motion for extension of time resulted in the mail being returned to him marked "return to sender, no longer at this address."

The record reveals that the plaintiff was advised by order dated January 4, 2005, of his responsibility to notify the court *in writing* if his address changed. It appears to the court that the plaintiff has been released from the Marlboro County Detention Center

and has failed to comply with the order of January 4, 2005, by advising the Clerk of his new address. The court has had no contact with the plaintiff since February 28, 2005.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed without prejudice for lack of prosecution.

s/William M. Catoe
United States Magistrate Judge

April 6, 2005

Greenville, South Carolina